

**REMARKS**

Claims 1-20 remain in this application.

For the sake of clarity, and to emphasize the patentable distinctions of applicant's invention over the prior art, claim 1 has been amended to recite a system for placing an advertisement on the monitor of a user of a web site, whereby upon access by the user of a page containing a coded reference, the reference is caused to access its application logic set triggering display of the advertisement in a temporary and non-dismissible window on said monitor for a predetermined time period.

Claim 6, which depends from present claim 1, has been amended to recite a system wherein the at least one application logic set further comprises means for causing the browser to display a series of advertisements in a non-dismissible and temporary browser window on the monitor, each advertisement being displayed for a predetermined time period.

In order to emphasize the patentable distinctions of applicant's invention over the prior art, claims 10, 12, and 17-19 have been amended to recite a method for advertising to a user of a web site having at least one page containing a coded reference, each respective claim having the step of displaying said advertisement in a browser window on a monitor of said user, said window being non-dismissible and temporary and being displayed for a predetermined time period.

Each of the foregoing amendments is clearly supported by the original specification. In particular each of the amendments to the claims that require the advertisements to be displayed on the monitor *for a pre-determined time period* finds

support in the specification, as originally filed, at page 4, line 23 to page 5, line 1; page 9, lines 1-7; and page 10, lines 13-16. Consequently, no new matter has been added.

Applicant's invention provides a system and method for placing an advertisement on the monitor of a user of a web site. Specifically, the system comprises a server connected to the Internet and at least one application logic set stored in memory on the server. The connection is a conventional wired connection as would be provided by a modem and telephone line, cable modem, T connection or the like or, alternatively, a wireless connection, such as that provided by a wireless modem, cell phone, PDA or the like. Each of the application logic sets is provided with a means for causing the browser, operating from the user's computer, to display the advertisement in a non-dismissible and temporary browser window on the monitor of the user. The means for causing the browser to display advertisement is accomplished by sending web page mark-up language code containing the advertisement. This may include HTML, Java Applets, Flash routines, or similar web page construction code. It optionally includes animation, images, and or sound. As a further option the application set includes code for a series of different advertisements. The code specifies the size and position of window as well as how long the window is viewable. The predetermined time period within which the window is viewable can vary depending on default settings, type and length of an advertisement, site owner preference and the like. Typically the predetermined time period for viewing window can range from about 10 seconds to 60 minutes, preferably from about 15 to 40 seconds, and most preferably from about 20 to 30 seconds. Optionally, the advertisement is delayed for period of time before being sent to the user. The system includes a web site that is provided with coded content, such as web page mark-up language, for viewing by the user, and a reference is coded within the mark-up language of at least

one page of the web site. Web site may reside in memory on server or on another remote server connected to the Internet. The reference points the browser to one of the application logic sets. Additionally, the system includes a registered user database on the server for storing user information and computing and storing the user's advertisement viewing history. When registered user accesses the page containing the coded reference, the user's browser is caused to access an application logic set on the server, thereby triggering display of the advertisement in a temporary and non-dismissible window on the monitor of the user.

Claims 1, 2 and 17-20 were objected to because of certain informalities.

Applicant appreciates the Examiner's suggestions as to how to overcome these informalities. Claims 1, 2 and 17-20 have been amended accordingly. In view of these amendments, it is submitted that the objections to the claims have been overcome.

Accordingly, reconsideration of the objection to claims 1, 2 and 17-20 because of certain informalities is respectfully requested.

Claims 1-9 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant appreciates the Examiner's suggestions as to how to overcome this rejection. Claims 1-9 have been amended accordingly. In view of these amendments, it is submitted that the rejection of the claims under 35 USC 112, second paragraph, has been overcome.

Accordingly, reconsideration of the rejection of claims 1-9 under 35 USC 112, second paragraph, is respectfully requested.

Claims 1 and 5-7 were rejected under 35 USC 102(e) as being anticipated by US Patent 6,687,737 to Landsman et al.

Landsman et al. disclose a technique for implementing in a networked client-server environment, e.g., the Internet, network distributed advertising in which advertisements are downloaded from an advertising server to a browser executing at a client computer. The advertisements are subsequently displayed interstitially in response to a click-stream generated by the user to move from one web page to another.

It is submitted that the rejection of present claims 1-20 under 35 USC 102(e) as being anticipated by US Patent 6,687,737 to Landsman et al. can be overcome. Namely, the present application has perfected priority to a provisional application having serial number 60/222,618, filed August 2, 2000. The filing date of Landsman et al. is September 13, 2001. Therefore, applicant submits that the Landsman et al. reference has been overcome by the priority claim to the provisional filing date, which is stated on the Official Filing Receipt of the present application dated September 6, 2001. Such argument is submitted to apply hereinafter in this paper for any and all rejections citing the Landsman et al. reference.

As a separate basis for overcoming the Landsman et al. reference, applicant submits the following arguments showing that the respective claims are patentably distinguishable from the Landsman et al. reference.

As amended, claim 1 (and claims 2-9 and 20 dependent thereon) requires a system for placing an advertisement on the monitor of a user of a web site, wherein the advertisements that are displayed on the user's computer monitor are in a window that cannot be dismissed before a predetermined time period fixed in the protocol by which the advertisement is transmitted from the application logic set stored on an Internet server. As amended, claim 1 is submitted to require at least one application logic set stored on the server, each of the application logic sets being provided with means for causing a browser of the user to display the advertisement in a non-dismissible and temporary browser window on the monitor for a predetermined time period. It is submitted that the salient features of claim 1, as amended, are not disclosed or suggested by Landsman et al. It is thus submitted that the subject matter of claims 1 and 5-7 is novel over Landsman et al.

The Examiner argues that Landsman et al. teach that the ads are described as being displayed in browser popup windows which are shown to the user for a specified period of time (i.e. the duration of the ads) and the popup window is then removed upon completion. It is submitted that Landsman et al. does not disclose a system wherein the ads are displayed for a predetermined time period. Instead, Landsman et al. disclose interstitial advertisements which are opened and closed in response to a click-stream generated by the user to move from one web page to the next. Therefore, Landsman et al. teach that it is the user of the system who is able to control the time period of the interstitial advertisements, simply by clicking from one web page to the next. On the other hand, present claim 1 (and claims 5-7 dependent thereon) require that the

advertisements are displayed for a predetermined time period. Inherently by its definition a “*predetermined*” time period is one that is beyond the user’s control. For example, the present application discloses that the predetermined time period is set by default, varies in response to the type and length of an advertisement, is set by owner preferences, and the like. See page 9, lines 2-4 of the present application.

In view of the amendment to claim 1 and the foregoing remarks, it is submitted that claims 1 and 5-7 are novel over Landsman et al.

Accordingly, reconsideration of the rejection of claims 1 and 5-7 under 35 USC 102(e) as being anticipated by Landsman et al. is respectfully requested.

Claims 3, 4 and 9 were rejected under 35 USC 103(a) as being unpatentable over US Patent 6,687,737 to Landsman et al.

Inasmuch as present claims 3, 4 and 9 each depend from independent claim 1, as amended, it is submitted that claims 3, 4 and 9 are patentable over Landsman et al. in for the same reasons discussed hereinabove, regarding the rejection of claim 1. In particular, claim 1 has been amended to require at least one application logic set stored on the server, each of the application logic sets being provided with means for causing a browser of the user to display the advertisement in a non-dismissible and temporary browser window on the monitor for a predetermined time period.

Further regarding claim 9, the Examiner has taken Official Notice that it is well known for an advertiser to collect email/postal mailing addresses (demographic info) of interested prospective customers so that they can deliver more information about their products, services, sales

promotions, etc. The Examiner argues that it would have been obvious to one of ordinary skill at the time of the invention to have provided buttons on the advertiser's site in order to request more information be sent to them and to have fulfilled such requests via an email. The optionally claimed links need not be taught by the prior art.

Applicant respectfully traverses this argument. Under MPEP §2144.03, applicant hereby requests that the Examiner cite a reference in support of his position. Namely, applicant submits that it is unobvious in the art to provide a more information button adapted to be placed in an on condition for causing a one time emailing of additional information about the advertisement to the user to provide for purchase of coupons and other purchase incentives.

Accordingly, reconsideration of the rejection of claims 3, 4 and 9 under 35 USC 103(a) as being unpatentable over Landsman et al. is respectfully requested.

Claims 8 and 10-17 were rejected under 35 USC 103(a) as being unpatentable over US Patent 6,687,737 to Landsman et al. in view of US Patent 5,855,008 to Goldhaber et al.

Goldhaber et al. provides an approach for distributing advertising and other information over a computer network. The method is said to be usable to provide direct, immediate payment to a consumer for paying attention to an advertisement or other information.

As amended, claim 1 (and claim 8 dependent thereon) requires a system for placing an advertisement on the monitor of a user of a web site, wherein the advertisements that are displayed on the user's computer monitor are in a window that cannot be dismissed before a predetermined time period fixed in the protocol by which

the advertisement is transmitted from the application logic set stored on an Internet server. As amended, claim 8 is submitted to require at least one application logic set stored on the server, each of the application logic sets being provided with means for causing a browser of the user to display the advertisement in a non-dismissible and temporary browser window on the monitor for a predetermined time period. It is submitted that the salient features of claim 8, as amended, are not disclosed or suggested by Landsman et al. in view of Goldhaber et al. It is thus submitted that the subject matter of claim 8 is novel over Landsman et al. in view of Goldhaber et al.

As amended, claim 10 (and claim 11-16 dependent thereon) and claim 17 require a method for advertising to a user of a web site having at least one page containing a coded reference, each of these claims, respectively, having the step of displaying the advertisement in a browser window on the monitor of the user, the window being non-dismissable and temporary and being displayed for a predetermined time period. It is submitted that the salient features of claims 10-17, as amended, are not disclosed or suggested by Landsman et al. in view of Goldhaber et al. It is thus submitted that the subject matter of claims 10-17 is novel over Landsman et al. in view of Goldhaber et al.

Reference is made to the previous arguments concerning claim 1, hereinabove, that clearly show that Landsman et al. do not disclose or suggest an advertisement window that is non-dismissable and temporary and being displayed for a predetermined time period. Further regarding the Goldhaber et al. reference, it is submitted that nowhere in the Goldhaber et al. reference is there any disclosure or suggestion for the same. It is submitted that the Examiner has not pointed to any specific disclosure in the Goldhaber et al. reference regarding this specific feature of claims 10-17,

as amended. Instead, the Examiner relies on Goldhaber et al. merely for its disclosure regarding compensation of computer users who view advertisements.

Further regarding claim 10, the Examiner has indicated that Goldhaber et al. teaches many embodiments whereby a registered computer user is compensated for viewing advertising. However, applicant respectfully submits that any method implemented in accordance with the combined teaching of Landsman et al. and Goldhaber et al. would not incorporate the features required by claim 10. While Goldhaber et al. admittedly discloses certain forms of compensation of computer users, it is submitted that the Goldhaber et al. method differs from that of claim 10 in significant respects. In particular, the Goldhaber et al. method calls for users to be presented with a window having a list of ads that the user may elect to view. Col. 7, lines 28-30. Next to the titles displayed on the ad list is a “consumer interface button” with a distinctive style. The user receives compensation only after opening one of the listed ads by mouse-clicking the customer interface button corresponding to the given ad. Col. 7, lines 51-55. The user thus may avoid seeing ads altogether, albeit foregoing compensation as a result. By way of contrast, in the method provided by amended claim 10, by the act of registering, when the user accesses a web page containing a coded reference, the reference causes the browser to access the application logic set thereby triggering display of the advertisement in a temporary and non-dismissable window on the monitor for a predetermined time period. Such a transaction is far more beneficial from the point of view of the advertiser, who is assured that his/her ads will be disseminated in non-dismissible browser windows. Even in combination, Landsman et al. and Goldhaber et al. fail to disclose or suggest

such a method. Extensive reconstruction would be required to modify any method disclosed or suggested by Landsman et al. and Goldhaber et al. to provide the particular steps delineating the method of applicant's amended claim 10. Applicant respectfully submits that such reconstruction is not fairly taught by the Landsman et al. and Goldhaber et al. references, nor is there any evidence adduced by the Examiner, which points to motivation for such a reconstruction.

Accordingly, reconsideration of the rejection of claims 8 and 10-17 under 35 USC 103(a) as being unpatentable over Landsman et al. in view of Goldhaber et al. is respectfully requested.

Claims 2 and 18-20 were rejected under 35 USC 103(a) as being unpatentable over US Patent 6,687,737 to Landsman et al. in view of US Patent 5,855,008 to Goldhaber et al and US Patent 5,854,897 to Radziewicz et al.

Radziewicz et al. discloses a communications marketing system, which allows a client station accessing a computer network through a Network Service provider to receive advertisements whenever the connection path between the client station and the Service Provider is idle.

As amended, claim 1 (and claims 2 and 20 dependent thereon) requires a system for placing an advertisement on the monitor of a user of a web site, wherein the advertisements that are displayed on the user's computer monitor are in a window that cannot be dismissed before a predetermined time period fixed in the protocol by which the advertisement is transmitted from the application logic set stored on an Internet server. As amended, claims 2 and 20, respectively, are submitted to require at least one

application logic set stored on the server, each of the application logic sets being provided with means for causing a browser of the user to display the advertisement in a non-dismissible and temporary browser window on the monitor for a predetermined time period. It is submitted that the salient features of claims 2 and 20, as amended, are not disclosed or suggested by Landsman et al. in view of Goldhaber et al and Radziewicz et al. It is thus submitted that the subject matter of claim 8 is novel over Landsman et al. in view of Goldhaber et al and Radziewicz et al.

As amended, claims 18 and 19, respectively, require a method for advertising to a user of a web site having at least one page containing a coded reference, each of these claims, respectively, having the step of displaying the advertisement in a browser window on the monitor of the user, the window being non-dismissable and temporary and being displayed for a predetermined time period. It is submitted that the salient features of claims 18-19, as amended, are not disclosed or suggested by Landsman et al. in view of Goldhaber et al and Radziewicz et al. It is thus submitted that the subject matter of claims 18-19 is novel over Landsman et al. in view of Goldhaber et al and Radziewicz et al.

Reference is made to the previous arguments concerning claim 1, hereinabove, which clearly show that Landsman et al. and Golhaber et al. do not disclose or suggest an advertisement window that is non-dismissable and temporary and being displayed for a predetermined time period. Further regarding the Radziewicz et al. reference, it is submitted that nowhere in the Radziewicz et al. reference is there any disclosure or suggestion for the same. It is submitted that the Examiner has not pointed to any specific disclosure in the Radziewicz et al. reference regarding

this specific feature of claims 18-19, as amended. Instead, the Examiner relies on Radziewicz et al. merely for its disclosure regarding measuring the user's connection speed to select a particular format for the advertisements.

Accordingly, reconsideration of the rejection of claims 8 and 10-17 under 35 USC 103(a) as being unpatentable over Landsman et al. in view of Goldhaber et al. and Radziewicz et al. is respectfully requested.

Submitted herewith is a check in the amount of \$60.00 to cover a one-month extension of time. However, in the event that the Commissioner deems that an additional fee is required, it is respectfully requested that applicant's attorney be contacted and accorded an opportunity to pay such additional fee.

**CONCLUSION**

In view of the amendment to the claims and the foregoing remarks, it is respectfully submitted that the present application has been placed in allowable condition. Reconsideration of the rejections set forth in the Office Action dated February 25, 2005, and allowance of claims 1-20, as amended, are earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Ernest D. Buff", is written over a horizontal line.

By

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